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KREINDLER & KREINDLER LLP

100 Park Avenue
New York, NY 10017-5590
(212) 687-8181
Fax: (212) 972-9432
www.kreindler.com

APR 6 2009

MEMO ENDORSED

March 31, 2009

VIA HAND DELIVERY

The Honorable Frank Maas
United States Magistrate Judge for the
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 740
New York, NY 10007-1312

The conference is adjourned to 4/30/09 at 2 pm. The subpoenaed entities are directed not to respond to the subpoenas before then.

Additionally, plaintiffs are directed to respond to Mr. Berger's 3/27/09 letter and Ms. Normand's 4/3/09 letter by 4/16/09. I am also curious as to the

Re: *In re Terrorist Attacks on September 11, 2001*, MDL 03-1570 (GBD)(FM)

Applies to all cases. basis for plaintiffs' counsel's assumption

Dear Judge Maas:

that I lack the requisite security clearance to review the August 25 documents.

On behalf of the plaintiffs, I respectfully request a brief adjournment of the hearing presently set for April 9th. Several of us are out of town that day. Mitchell Berger, counsel for The National Commercial Bank, does not oppose an adjournment provided the subpoenaed entities do not have to comply with the subpoenas by April 15. As we have already confirmed to Mr. Berger, we previously have advised Boeing and L-3 Communications that they should not respond to the subpoenas until the Court resolves the pending dispute surrounding those subpoenas. We will similarly inform the other two subpoenaed parties, Wells Fargo and Jarvis & Associates.

I also respectfully seek clarification on the scope of the hearing directed in your March 29, 2009 Order. Plaintiffs are uncertain whether Your Honor's endorsement anticipates that we will be addressing the limited issue of quashing the March 9, 2009 subpoenas, or the broader issues contained in the August 15, 2008 letter applications sent separately from (1) the *Burnett* and *Ashton* plaintiffs, (2) the *Federal Insurance* plaintiffs, (3) the *O'Neill, Cantor, Continental*, and *N.Y. Marine* plaintiffs, and (4) the *Burnett* plaintiffs' letter of August 25, 2008.

Los Angeles Office

707 Wilshire Boulevard
Los Angeles, CA 90017-3613
(213) 622-6469

Boston Office

277 Dartmouth Street
Boston, MA 02116-2805
(617) 424-9100

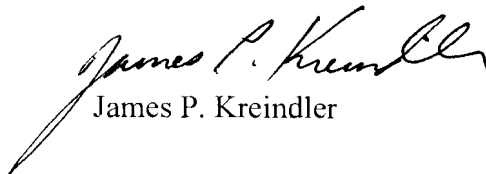
New Jersey Office

801 Franklin Avenue
Franklin Lakes, NJ 07417
(201) 343-7771

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In light of the pending motion for declaratory relief concerning the Burnett plaintiffs' August 25 letter and the documents that accompanied that letter, plaintiffs respectfully submit that it would be premature to go forward with the broader issues without first resolving the motion for declaratory relief. Indeed, plaintiffs submitted the August 25 documents specifically in support of their applications for additional discovery as to NCB, and have argued in the pending motion for declaratory relief that the Court has the authority to and should review the August 25 documents in deciding whether to grant that discovery. For this reason, it would be premature to move forward with the broader discovery disputes between NCB and plaintiffs without first resolving the issues regarding the August 25 documents. At the moment, Plaintiffs understand that, because the Government has indicated that the August 25 documents contain classified material, the issues that require review of that material must be addressed to Judge Daniels as an Article III judge.

Yours truly,



James P. Kreindler

cc: All Counsel